

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JAYSEN PATTERSON,  
Plaintiff,  
v.  
BRIAN WILLIAMS, SR., et al.,  
Defendants.

Case No.: 2:23-cv-00735-GMN-BNW

**ORDER**  
(ECF No. 1)

On May 10, 2023, pro se plaintiff Jaysen Patterson, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1.) Plaintiff's application to proceed *in forma pauperis* is incomplete because **Plaintiff did not include a financial certificate or an inmate trust fund account statement for the previous six-month period with the application.**

Plaintiff filed a declaration with his application to proceed *in forma pauperis*. (ECF No. 1 at 4-5.) In the declaration Plaintiff states that he was told that it would take 1-4 months to receive a financial certificate and inmate trust fund account, and that he could not wait because of statute of limitation issues. (*Id.*)

The Court will deny Plaintiff's application to proceed *in forma pauperis* without prejudice and give Plaintiff the opportunity to correct the deficiencies in his application **by July 14, 2023**. If Plaintiff cannot file a complete application by that date, he may file a request for an extension.

**I. DISCUSSION**

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an

1 inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the  
 2 following documents to the Court: (1) a completed **Application to Proceed in Forma**  
 3 **Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly  
 4 signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is  
 5 page 4 of the Court’s approved form, that is properly signed by both the inmate and a  
 6 prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account**  
 7 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.  
 8 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her  
 9 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.  
 10 See 28 U.S.C. § 1915(b).

11 As explained above, Plaintiff’s application to proceed *in forma pauperis* is  
 12 incomplete. The Court will therefore deny Plaintiff’s application to proceed *in forma*  
 13 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing  
 14 fee or file a new fully complete application to proceed *in forma pauperis* with all three  
 15 required documents.

## 16 **II. CONCLUSION**

17 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)  
 18 is denied without prejudice.

19 It is further ordered that Plaintiff has **until by July 14, 2023**, to either pay the full  
 20 \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with  
 21 all three required documents: (1) a completed application with the inmate’s two signatures  
 22 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
 23 prison or jail official, and (3) a copy of the inmate’s trust fund account statement for the  
 24 previous six-month period.

25 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
 26 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
 27 to refile the case with the Court, under a new case number, when Plaintiff can file a  
 28 complete application to proceed *in forma pauperis* or pay the required filing fee.

1 The Clerk of the Court is directed to send Plaintiff Jaysen Patterson the approved  
2 form application to proceed *in forma pauperis* for an inmate and instructions for the same  
3 and retain the complaint (ECF No. 1) but not file it at this time.

4 DATED THIS 15th day of May 2023.

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8 UNITED STATES MAGISTRATE JUDGE  
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